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AUG 10 '77

# **FINAL REPORT**

## **and proposed alternative form of government**

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# VOTER REVIEW of Local Government



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# local government study commission, Montana

August 1, 1976

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To the Citizens of \_\_\_\_\_.

Local government study commissions were authorized by the 1974 session of the Montana Legislature to implement the Local Government Article of the 1972 Constitution. The responsibility of the study commission is to "study the form and power of government and existing procedures for the delivery of local government services and compare them with other forms available under the laws of the State of Montana."

After completing these two phases of the study, it is the responsibility of the study commission to submit an alternative form of government to the qualified electors. An alternative form of government is defined as one "which must differ in some manner from the existing form." We are submitting a modification of the existing mayor-council form of government as the alternative form.

The question on the alternative form of government will be placed on the ballot November 2, 1976. At that time voters will have the choice of retaining the existing form of government or adopting the alternative form proposed in the report of the study commission.

Respectfully submitted,

\_\_\_\_\_  
Local Government Study  
Commission

Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Summary of Recommendations

The \_\_\_\_\_ local government study commission having thoroughly studied our present form of government and the alternative forms of government available to cities and towns under state law, submit the following:

1. That the mayor-council (also known as commission-executive) form of government with the following modification(s), be placed on the ballot as the alternative form of government.

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

2. The question on the form of government will be submitted to the voters of \_\_\_\_\_, in a special election to be held with the general election on November 2, 1976 in the following form:

#### BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.



For adoption of the mayor-council form of government as modified in the report of the \_\_\_\_\_ local government study commission.



For the existing mayor-council form of government.

### Findings of the Study Commission

It is the conclusion of the study commission that the Mayor-Council form can best meet the needs of this town. We have submitted certain changes to comply with the requirements of the law that an alternative form must be placed on the ballot. The voters of this town can decide if these changes are desirable.

COMPARISON OF EXISTING AND PROPOSED FORM OF GOVERNMENT

Characteristics	Present Form	Proposed Form	Comments
Form of Government	Mayor-Council		
Powers	GENERAL GOVERNMENT POWERS. State law defines functions and services local governments provide.		
Governing Body	council members, 2 elected from each of _____ wards.		
Elections	Partisan		
Term	4 year overlapping terms		
Presiding Officer	Mayor		
Duties	Policy-making body, also involved in administration.		
Other Elected Officials	Treasurer (May be elected) Mayor		

**COMPARISON OF EXISTING AND PROPOSED FORM OF GOVERNMENT (Con't.)**

Characteristics	Present Form	Proposed Form	Comments
Duties of Mayor (Some shared with council)	--carries out policy of council --enforces ordinances --votes in case of a tie		
Budget Preparation	--prepares budget in consultation with the council		
Appointment Power	--appoints department heads and boards with consent of council		
Veto Power	--may veto ordinances subject to a two-thirds veto override by the council		
Administration of Departments, Boards	Supervision and administration authorized by ordinance. Responsibility usually shared with council		
Community Councils (Neighborhood Councils)	None		

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT  
FOR

THE TOWN OF \_\_\_\_\_

If adopted by the voters, the government of the town of \_\_\_\_\_ shall be organized under the following provisions of Section 47A-3-203, R.C.M. 1947, Commission-executive form:

- (1)
- (2)
- (3) (a) ( )
- (3) (b) ( )
- (3) (c) ( )
- (3) (d) ( )
- (3) (e) ( )
- (3) (f) ( )
- (3) (g) ( )
- (3) (h) ( )
- (3) (i) ( )
- (3) (j) ( )
- (3) (k) ( )
- (3) (l) ( )
- (3) (m)

(4) ( )

47A-2-203. Commission-executive form.

(1) The commission-executive form (which may be called the "council-executive", the "council-mayor", or the "commission-mayor" form) consists of an elected commission (which may be referred to as the "council" and one elected executive (who may be referred to as the "mayor") who is elected at large.

(2) The executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance, or resolution;
- (c) administer affairs of the local government;

- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;
- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) appoint, with the consent of the commission, all members of boards; except, the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

(3) The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed below:

(a) The executive:

- (i) shall appoint one or more administrative assistants to assist him in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive; or
- (ii) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may:

- (i) appoint and remove all employees of the local government; or
- (ii) appoint and remove, with the consent of a majority of the commission, all employees of the local government; or
- (iii) appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees; or
- (iv) appoint and remove, with the consent of a majority of the commission, all department heads. The executive may appoint and remove all other employees of the local government.

Select  
one  
item

Select  
one  
item

(c) The executive may:

- Select one item
- (i) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission; or
  - (ii) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or
  - (iii) sign all ordinances and resolutions with no veto power.

(d) The executive may:

- Select one item
- (i) prepare the budget and present it to the commission for adoption; or
  - (ii) prepare the budget in consultation with the commission and department heads.

(e) The executive may:

- Select one item
- (i) exercise control and supervision of the administration of all departments and boards; or
  - (ii) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

(f) A financial officer (who may be called the "treasurer"):

- Select one item
- (i) shall be elected; or
  - (ii) shall be appointed by the executive with the consent of the council; or
  - (iii) shall be selected as provided by ordinance; or
  - (iv) may, at the discretion of the commission, be selected as provided by ordinance.

(g) the commission shall be:

- Select one item
- (i) elected at large; or
  - (ii) elected by districts in which candidates must reside and which are apportioned by population; or
  - (iii) nominated by districts in which candidates must reside and which are apportioned by population, but elected at large; or
  - (iv) elected by any combination of districts in which candidates must reside and which are apportioned by population, and at large.

(h) Local government elections shall be conducted on a:

- Select one item
- (i) partisan basis as provided in this title; or
  - (ii) nonpartisan basis as provided in this title.

Page 4: Certificate of Proposed Plan of Government

(i) The commission shall have a chairman who shall be:

- Select one item  (i) elected by the members of the commission from their own number for a term established by ordinance; or  
 (ii) selected as provided by ordinance.

(j) The presiding officer of the commission shall be:

- Select one item  (i) the chairman of the commission who may vote as other members of the commission; or

(ii) the executive who may vote as the commissioners; or

(iii) the executive who shall decide all tie votes of the commission, but shall have no other vote. The chairman of the commission shall preside if the executive is absent; or

(iv) the executive, but he may not vote.

(k) Commission members shall be elected for:

Select one item  (i) concurrent terms of office; or

(ii) overlapping terms of office.

(l) The size of the commission, which shall be a number not less than three (3), shall be established when the form is adopted by the voters; and

Select one item  (i) community councils of at least three (3) members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(ii) community councils to advise commissioners may be authorized by ordinance.

Complete  The size of the commission shall be \_\_\_\_\_ (No.) members, \_\_\_\_\_ (No.) to be elected from each of \_\_\_\_\_ (No.) districts, if districts are included.

(m) The term of office of elected officials may not exceed four (4) years, and shall be established when the form is adopted by the voters.

Complete  The term of office of elected officials shall be \_\_\_\_\_ (No.) years.

Page 5: Certificate of Proposed Plan of Government

(4) The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

Select  
one  
item

- (a) general government powers; or  
 (b) self-government powers.

We, the Study Commissioners of  
the town of \_\_\_\_\_  
do hereby certify that this is the  
proposed Plan of Government as  
established by Section 47A-3-203,  
R.C.M 1947.

S E A L

In testimony whereof, we the under-signed have set our hands this  
day of \_\_\_\_\_, 1976,  
at \_\_\_\_\_, Montana.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:  
MUNICIPAL CLERK OF \_\_\_\_\_

Local Government Study Commissioners

INSTRUCTIONS FOR COMPLETING CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT

Complete the certificate by specifying the options which the study commission has chosen. Select one item in those sections of the law in which choices are available. Draw a line through the option you do not want to include in the form of government; then indicate the number of the option you have chosen in the appropriate blanks on the front of the certificate.

Also complete 47A-3-203(3)(l) and (3)(m) by establishing the size of the commission and the term of office. If wards are included in the plan of government, also state how many wards, and the number of members that will be elected from each district (ward). If elections are at-large establish the size of the commission only. At-large elections do not require a plan of apportionment.

PLEASE NOTE:

Do not include this page in report.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

THE TOWN OF \_\_\_\_\_

If retained by the voters, the government of the town of \_\_\_\_\_ shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana, 1947. Commission-executive form.

(1)

(2)

- (3) (a) (ii)
- (3) (b) (iii)
- (3) (c) (ii)
- (3) (d) (ii)
- (3) (e) (ii)
- (3) (f) (i) or (3) (f) (ii)
- (3) (g) (ii)
- (3) (h) (i)
- (3) (i) (i)
- (3) (j) (iii)
- (3) (k) (ii)
- (3) (l) (ii)
- (3) (m)

(4) (a)

47A-3-203. Commission-executive form.

(1) The commission-executive form (which may be called the "council-executive," the "council-mayor," or the "commission-mayor" form) consists of an elected commission (which may be referred to as the "council") and one elected executive (who may be referred to as the "mayor") who is elected at large.

(2) The executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance, or resolution;
- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;

- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) appoint, with the consent of the commission, all members of boards; except, the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

(3) The plan of government shall further define the structural characteristics of the form by including the items listed below:

- (a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.
- (b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.
- (c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.
- (d) The executive may prepare the budget in consultation with the commission and department heads.
- (e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

(f) A financial officer (who may be called the "treasurer") shall be elected.

A financial officer (who may be called the "treasurer") shall be appointed.

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

(h) Local government elections shall be conducted on a partisan basis as provided in this title.

(i) The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

or

(j) The presiding officer of the commission shall be the executive who shall decide all tie votes of the commission, but shall have no other vote. The chairman of the commission shall preside if the executive is absent.

(k) Commission members shall be elected for overlapping terms of office.

(l) The size of the commission shall be (number) members, (number) to be elected from each of (number) districts, and community councils to advise commissioners may be authorized by ordinance.

(m) The term of office of elected officials shall be four (4) years.

(4) The plan of government shall authorize general government powers.

We, the Study Commissioners of the town of \_\_\_\_\_ do hereby certify that this is the existing Plan of Government as established by Section 47A-3-203, R.C.M. 1947.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 1976.

ATTEST:

MUNICIPAL CLERK OF \_\_\_\_\_

Local Government Study Commissioners

CERTIFICATE

ESTABLISHING THE DATE OF THE  
SPECIAL ELECTION AT WHICH THE  
ALTERNATIVE FORM OF GOVERNMENT  
SHALL BE PRESENTED TO THE ELECTORS  
OF \_\_\_\_\_.

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of \_\_\_\_\_ at a special election to be held with the general election on November 2, 1976.

We, the Study Commissioners of  
\_\_\_\_\_ do hereby certify  
that this is the date of the  
special election approved by  
the Study Commissioners of \_\_\_\_\_

SEAL

In testimony whereof, we set our  
hands.

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_.

Attest:

Municipal Clerk of \_\_\_\_\_

Local Government Study Commissioners

CERTIFICATE  
ESTABLISHING THE OFFICIAL BALLOT  
FOR THE NOVEMBER 2, 1976 SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed form of government and of the existing form of government are available at your polling place.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.



For adoption of the mayor-council form of government as modified in the report of the \_\_\_\_\_ local government study commission.



For the existing mayor-council form of government.

SEAL

We, the Study Commissioners of \_\_\_\_\_, do hereby certify that this is the official ballot approved by the Study Commissioners of \_\_\_\_\_.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

Municipal Clerk of \_\_\_\_\_

Local Government Study Commissioners

CERTIFICATE  
FOR THE APPORTIONMENT  
OF TOWN WARDS

Description of Ward 1:

Population of Ward 1: \_\_\_\_\_

Deviation from ideal population: \_\_\_\_\_ %

Description of Ward 2:

Population of Ward 2: \_\_\_\_\_

Deviation from ideal population: \_\_\_\_\_ %

Description of Ward 3:

Population of Ward 3: \_\_\_\_\_

Deviation from ideal population: \_\_\_\_\_ %

Population based on \_\_\_\_\_ Federal census data  
\_\_\_\_\_  
Census conducted by the study commission

Map containing the boundaries is attached.

SEAL

We, the Study Commission of \_\_\_\_\_  
do hereby certify that this is the  
official apportionment plan for town  
wards approved by the study commis-  
sion of \_\_\_\_\_.

In testimony whereof, we set our hands.

ATTEST: \_\_\_\_\_  
Municipal Clerk of \_\_\_\_\_

Done at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Local Government Study Commissioners

Return Address